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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,635	09/26/2000	Elizabeth Sharpe	11854/1	6168
23838	7590	12/12/2005	EXAMINER TO, BAOQUOC N	
KENYON & KENYON 1500 K STREET NW SUITE 700 WASHINGTON, DC 20005			ART UNIT 2162	PAPER NUMBER

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/670,635	SHARPE ET AL.	
	Examiner Baoquoc N. To	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 and 56-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 58-67 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 and 58-65 are pending in this application and claims 66-67 are newly added on 09/02/2005.

Response to Amendment

2. The DECLARATION filed on 09/02/005 under 37 CFR 1.131 has been considered but is ineffective to overcome the Shneiderman reference.

A. Upon the reviewing the DECLARATION OF ELIZABETH SHARPE AND JOHN FRASER and comparing the records shown in the Exhibit B, the period between August 3 and September 21 is not accounted for.

B. Exhibit A only discloses the concept of the claims 1-27; however, claims 58-65 discloses the different concept including "the authenticating an operator as a member of the group of user, identifying candidate identification values based upon the group with whom the operator is authenticated..." Exhibit A discloses a basic inventive concept, which do not including these limitations.

MPEP 715.02, SWEARING BEHIND ONE OF A PLURALITY OF COMBINED REFERENCES, applicant's 37 CFR 1.131 affidavit must show possession of either the whole invention as claimed or something falling within the claim(s) prior to the affective date of the reference being antedated; it is not enough merely to show possession of what the reference happens to show if the reference does not teach the basic inventive concept.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000) in view Mizoguchi Yoshiyuki (EP 0 678 816 A2).

Regarding on claims 1, 16 and 17, Shneiderman teaches a method or archiving and retrieving digital media items, comprising:

Receiving a user input identifying a group of users to which an archiving belongs (the user log on to the system) (fig. 4);

Receiving archiving input data identifying: a digital media item to be archived for the group the group (add photo) (fig. 4), the user's selection of zero or more group event types from a predetermined plurality of group event types specific to the group (visualizing personal histories workshop July 1997) (fig. 4), the user's selection of zero or more persons in the group (Ioskowski, Sharon, Li, Jia and Plaisant, Catherine) (fig. 4), and the user's selection of period (the starting date and the ending date) (fig. 4);

Generating index information using the received user archiving input (each photo should have a unique reference and photos with the same reference are not allowed to

the stored in the in this table even through they have different attribute values) (col. 6, lines 14-17);

Repeating the reception of archiving input data, the generation of the index information and the storing of the index information for a plurality of digital media items (the processing continue for all other picture in my document) (fig. 4)

Shneiderman does not explicitly teach receiving retrieval input data representing a selection of a default or zero or more group event types from the predetermined plurality of group event types for the group, a selection of a default or zero or more persons in the group, a selection of time period; and using the selections and the identified group to retrieve and output digital media items that match the selection. However, Mizoguchi discloses "in the display state show in Fig. 9B, when one of the "person key", "place" key, and "other data" key in the upper right portion 7b is operated, a list of person information, place information, and other information stored as the associated data of the image data in the memory card MC are displayed in accordance with the operated search key. When given information "X" is operated in the list, images having the information "X" as the associated information are searched and displayed from the last one" (col. 10, lines 19-28). This suggests the user selecting the list of user, place and other data for a query. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman's system to include user selecting the list of user, place and other data as taught by Mizoguchi in order to retrieve media with different parameters.

Regarding on claims 2 and 18, Shneiderman teaches a method recited in claim 1 wherein the retrieval input data comprises a user input from user identifying a group to which the user belongs and the digital media items are retrieved using the group identified for the other user in the user retrieval input (user log in with the system which identify the person in the library) (fig. 4).

Regarding on claims 3 and 19, Shneiderman teaches a method recited in claim 1 including defining the distinct groups of people, and defining group event types that are appropriate for members of the groups to distinguish episodic events memorable to the group (each of the photo being association with group of users in the photo) (fig. 4).

Regarding on claims 4 and 20, Shneiderman teaches a method recited in claim 1 including receiving said digital media item to be archived, and storing said digital media item in association with the index information (col. 2, lines 14-17).

Regarding on claims 5 and 21, Shneiderman teaches the method recited in claim 1 including receiving archiving input data identifying a digital media item as being associated with a memorable high point in the mind of the user (time is the high point of the photo) (fig. 4).

Regarding on claims 6 and 22, Shneiderman teaches the method recited in claim 5 wherein the retrieval input data includes an input selecting memorable high points (searching by names of people in each photo) (col. 3, lines 8-9).

Regarding on claims 7 and 23, Shneiderman teaches the method recited in claim 1 wherein the index information includes an identification of a media type of the digital media item (col. 3, lines 4-8).

Regarding on claims 8 and 24, Shneiderman teaches the method recited in claim 7 wherein the retrieval input data includes an input identifying a media type, and the digital media items are retrieved and output based on the identified media type (col. 1, lines 4-8).

Regarding on claims 9 and 25-26, Shneiderman teaches the method recited the method in claim 1 including receiving archiving input data identifying a plurality of digital media items and an input identifying the digital media items to be associated as perceived by the user, wherein the index information is generated to include the identified association (the association with people, month and person) (fig. 6 in page 7).

Regarding on claim 10, Shneiderman teaches the method recited in claim 9 wherein when digital media items are retrieved and output as a result of the user retrieval input, any digital media items having the identified association in the index information are automatically identified for retrieval and output (page. 3, col. 2, lines 8-10).

Regarding on claim 11, Shneiderman teaches the method recited in claim 10 wherein the automatically identified digital media items are automatically retrieved and output (page. 3, col. 2, lines 8-10).

Regarding on claim 12, Shneiderman teaches a method recited in claim 10 including outputting a notification to a user that associated digital media items are available, and retrieving and outputting automatically identified digital media items in response to a user input page. 3, col. 2, lines 8-10).

Regarding on claims 13 and 27, Shneiderman teaches the method recited in claim 1 further comprising:

Receiving a user request for automatic nostalgic retrieval (page. 3, col. 2, lines 8-10),

Automatically generating an initial set of said selections (page. 3, col. 2, lines 8-10),

Using the modified selections to retrieve and output digital media items (page. 3, col. 2, lines 8-10); and

Repeating the modifying, and retrieval and output steps (page. 3, col. 2, lines 8-10).

Claims 14-15 are rejected under the same reason as claim 1.

Regarding on claim 66, Shneiderman discloses method for archiving digital media items, comprising:

Building a database that includes:

Digital media items to be archived for the social group (fig. 4), and

Index information for the digital media items, each instance of index information created from archiving input data identifying a user's response to a query that identifies a plurality of event types previously registered as associated with the social group, and persons previously registered as members of the social group (each photo should have a unique reference and photos with the same reference are not allowed to be stored in the table even though they have different attribute values) (col. 6, lines 14-17 and fig. 4). Shneiderman does not explicitly teach receiving

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a user input identifying a social group to which an archiving user belongs. However, Mizoguchi discloses receiving a user input identifying a social group to which an archiving user belongs (col. 10, lines 19-25). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman' system to include retrieving the group of people by inputting one as taught by Mizoguchi in order to retrieve media relating to one or all people in the group.

5. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizoguchi Yoshiyuki (EP 0 678 816 A2) in view Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000).

Regarding on claim 67, Mizoguchi teaches a method of searching digital media items, comprising:

Receiving a user input identifying a social group for which a search is to be conducted (col. 10, lines 19-25);

displaying a query that identifies the candidate identification values and including valid selections of an event type of the social group, persons from the social group and time (col. 10, lines 35-57),

Responsive to selection criteria made in response to the query, searching a database and retrieving digital media items that satisfy the selection criteria (col. 11, lines 9-12). Mizoguchi does not explicitly discloses Identifying candidate identification values based upon the social group. However,

6. Claims 58-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shneiderman et al. (Direct Annotation: A Drag-and-Drop Strategy for Labeling Photos, July 2000) in view Astle (U.S. Patent No. 5,485,611).

Regarding on claim 58, Shneiderman teaches a media archival method, under control of an operator who is a member of a group:

Authenticating an operator as a member of a group of users (the user log in to the system to identify the photo in the samplehcilibraryl. Mbb) (fig. 4),

Identifying candidate identification values based upon the group with whom the operator is authenticated (one the user log in the C:\my photos\... the images and groups of people are identified) (fig. 4),

Querying the operator for selection of identification data to be associated with a digital media item, the query identifying the candidate identification values and including valid selections of an event type and persons from the group and time (after the log process successful, the system displays graphical user interface to allow the user to select people, date, location and description) (fig. 4). Shneiderman does not explicitly teach generating index information from a response of the operator, and storing the index information in association with the digital media item. However, Shneiderman discloses "each photo should have a unique reference and photos with the same references are not allowed to be stored in this table even though they have different values" (col. 6, lines 14-17). On the other hand, Astle discloses "an index can be prepared by the consumer while viewing the video footage stored within the database. The location on the particular video cassette may be denoted by a time index or a

counter index, for example. Thus, the user-prepared index may indicate that he hot-air balloon event appears on video cassette number 12, starting at time 1:17:23 (in hours: minutes: seconds format) from the beginning of the video cassette, and/or at counter number 2351 from the beginning of the tape" (col. 2, lines 16-25). This suggests that the index is created with event and time. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shneiderman's system to include the creating of an index utilizing the event and time as taught by Astle in order to retrieve the image using different parameters.

Regarding on claims 59 and 63, Shneiderman teaches the archival method recited in claim 58, wherein the candidate identification values for persons include names of group members (selecting names in the library) (fig. 4).

Regarding on claims 60 and 64, Shneiderman teaches the archival method recited in claim 58, wherein the stored index information include names of group members (history visualization workshop) (fig. 4).

Regarding on claims 61 and 65, Shneiderman teaches the archival method recited in claim 58, wherein the stored index information includes a flag that distinguishes high point items from other items, and the method further comprises setting the flag if the operator response includes an indication that the digital media item is a high point (show name labels) (fig. 4).

Claim 62 is rejected under the same reason as claim 58.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

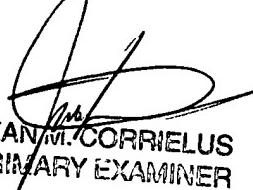
Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) -273-8300 [Official Communication]

BQ To

November 9th, 2005



JEAN M. CORNELIUS
PRIMARY EXAMINER